GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri N. Anjaneyulu, S/o Kotalu, R/o Vodarevu Village, Chirala Mandal, Prakasam District, against the proceedings in Rc.No.1193/2008/C4, dated 18.03.2015 by the District Collector, Guntur, under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition dismissed – Orders - Issued.

SOCIAL WELFARE (TW.CV.2) DEPARTMENT

G.O.MS.No. 24 Dated: 27-04-2020.
Read the following:

1. Proceedings of the District Collector, Guntur, Rc.No.1193/ 2008/C4, dated 18.03.2015.
2. Appeal Petition filed by Sri N. Anjaneyulu, S/o Kotalu, R/o Vodarevu Village, Chirala Mandal, Prakasam District, dated 04.05.2015.
3. Govt. Memo No.3829/CV.2/2015, dated 27.08.2015.
4. From the District Collector, Guntur, Lr.No.Rc.1485/2015/C4,dated: 18.07.2018.
5. Govt. Memo No.3829/CV.2/2015, dated: 24.01.2019.
6. Govt. Memo No.5345/CV.2/2015, dated: 02.02.2019.
7. Govt. Memo No.3829/CV.2/2015, dated: 09.10.2019.
8. Documents filed by the appellant through his Counsel before the Appellate Authority on 19.10.2019.

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ORDER:

In the reference 1st read above, the District Collector, Guntur has issued orders cancelling the S.T. Yerukula caste certificate obtained from the then Tahsildar, Ongole, by Sri N. Anjaneyulu, S/o Kotalu.

2. In the reference 2nd read above, Sri N. Anjaneyulu, S/o Kotalu has filed appeal petition before the Government, against the Proceedings of the District Collector, Guntur. After examining the said Appeal Petition, Government have admitted the Appeal Petition and called for the parawise remarks and connected records from the District Collector, Guntur in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, Guntur has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Sri N. Anjaneyulu, S/o Kotalu

4. The said Appeal Petition has been posted for hearing on 19.09.2015, 02.02.2019, 09.02.2019 & finally on 19.10.2019 and the same has been informed to the Appellant and the Counsel for the Appellant in the references, 5th to 7th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. Further, the appellant and his advocate present on the final hearing and filed some documents and advanced arguments has filed documents in support of his ST-Yerukula community claim, and the Appellate Authority has conducted the final hearing in the said appeal petition on 19.10.2019 & the appellant/ the Counsel for the appellant were attended for the said hearing schedule and argued the case and filed documents in support of his community claim in the reference 8th read above.

5. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by the District Collector, Guntur and proceedings of the District Collector, Guntur, dated 18.03.2015, the Appellate Authority has observed that :

I. The Appellant in his grounds has stated that the learned authority would have appreciated and analyzed that the appellant has worked and retired

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from the service of BSNL in the year 2007 and at this point of time, directing him to produce evidence about his caste, even when the same is submitted, in not considering the same is prejudicial and the same should not be the basis on the false complaint given by third party, who did not produce any evidence.

II. He has also stated that the District Collector Guntur ought to have seen that the appellant has proved by producing his study certificate issued by the school authorities, at the earliest point of time, and the authenticity cannot he doubted and the District Collector without reference to the same or the explanation submitted in detail by the appellant has passed the orders in a casual and routine manner and without any discussion or reason affirming and approving the recommendation of DLSC is bad-in-law and unsustainable under law.

III. The Appellant has also stated that the District Collector has not considered that the records are available with the authority and without verifying the same, directing the appellant to produce the records to prove about his caste, is unreasonable, incomprehensible and does not sound to reason or logic, and therefore the impugned orders of the District Collector Guntur are liable to be set-aside.

IV. The Appellant has also stated that the District Collector has not followed the principles of natural justice by giving personal hearing to the appellant as he served in the BSNL and his services are unquestionable as the same is borne out from the record and therefore the impugned orders of the cancellation of caste certificate in favour of the appellant, is liable to be set-aside, as the petitioner is depending upon the pension to sustain himself at his old age.

V. The District Collector, Guntur has reported that Sri Nagula Anjaneyulu S/o. Kotalu has attended and gave a statement that, he studied 8th class at Municipal Higher Secondary school, Bapatla and he has three sons and two daughters, and his father doing basket making, piggery, and his mother telling "Sodi", his parents died, and he is native of Bapatla town, and he belongs to Kavadi clan, Manpadi, Satpadi, Mendragutti and Kavadi are other clans in Yerukula caste, and his sons and daughters also married with Yerukula caste persons, and misdeeds will be proved by putting hands into boiled oil and it is Yerukula caste custom. Sri Mendragutti Nageswara Rao S/o Ramaswami of Stuvartpuram, Devarakonda Ramu S/o Venkatapathi, of SNP, Agraharam near Bapatla, Palaparthi Audiseshu S/o Subba Rao, of Indira Nagar, Bapatla have given their statements confirming the caste status of Nagula Anjaneeyulu S/o Kutalu. It is further reported that, he is native of Bapatla Town and retired from service on 30.06.2007. Hence, the case was transferred to Guntur District. The matter was referred to the DLSC and a notice was issued to the individual to attend before the DLSC on 24.12.12. The individual has attended before the Committee for enquiry and filed statement that now he is residing at VADAREVU village of Chirala Mandal, presently working as PASTER, had 6 children and enclosed the copies of the caste certificates of his children and blood relatives issued by the Mandal Revenue Officer, Bapatla in support of his caste claim. The Chairman of the DLSC called for the remarks of the Dist. Tribal Welfare Officer, Guntur regarding the finalization of the "YERUKULA – ST" Caste status of Sri Nagula Anjaneyulu S/o.Kotalu.

VI. The District Tribal Welfare Officer, Guntur reported that Sri Nagula Anjaneyulu S/o.N.Kotalu submitted a statement, stating that he is residing at Vadarevu (Ramapuram), Bapatla, aged about 65 years, belongs to Yerukula – ST. The individual has submitted Xerox copies of the caste certificates issued by the then Mandal Revenue Officer, Bapatla to his son and himself on 6.8.2008 and 24.4.06 respectively to support his caste claim. But he failed to establish the fact by "Elders" statement and he did not submit any evidence that his relatives from his mother's side belongs to "Yerukula – ST" community and he failed to produce School Admission Certificate or Service Register evidence any recorded proof or documentary evidence as to the proof that he belongs to ST Yerukula community.

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VII. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

VIII. The appellate authority is observed that during the course of hearing of the case that the appellant and his advocate present and filed memo by producing some documents and advanced arguments and submitted that the appellant belongs to ST community as per the record of him and lower authority failed to consider the same. On verification of the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that except the above contention nothing was placed for appreciation of the case of the appellant and he failed to produce any documentary evidence to prove his case and further noticed that the appellant failed to produce valid documentary evidence proving that father, forefathers and blood relatives of him belongs to Yerukula community and further noticed that his family members are not in fold of ST Community and they were not accepted by the tribal society also. It is further brought to the notice that the certificate earlier issued to the individual in a routine manner and the same was cancelled after conducting detailed and thorough enquiry into the status caste of the individual. That as per the act that the burden of proof lies on the appellant and it is the responsibility of the appellant to produce necessary evidence and documents to claim the same. In the instant case the appellant except relaying on the evidence filed before the lower authority failed to produce any material for re-appreciation of his case. As seen from the record the lower authority passed the order after appreciating the evidence available on record as per law and deserves no interference. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity either in the findings of the DLSC or the learned District Collector, Guntur District. Taking into consideration of the above and the material available on the record it can be concluded that the lower authority passed the order as per law which does not deserve any interference.

6. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the appeal petition filed by Sri N. Anjaneyulu, S/o Kotalu, does not deserve any interference. Hence, Proceedings of the District Collector, Guntur issued vide Rc.No.1193/2008/C4, dated 18.03.2015, is hereby upheld and the appeal petition filed by Sri N. Anjaneyulu, S/o Kotalu, is hereby dismissed and the caste certificates issued by the then Tahsildar, Rapur, is deemed to be cancelled.

7. The District Collector, Guntur is directed to take necessary consequential action in the matter.

8. The records (Rc.Dis.1193/2008/C4, containing pages CF:1 to 243, NF:1-28) received from the District Collector, Guntur through in the reference 4th read above, are returned herewith in original to the District Collector, Guntur and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MUDDADA RAVI CHANDRA
SECRETARY TO GOVERNMENT

To
The District Collector, Guntur.
Sri N. Anjaneyulu, S/o Kotalu,
R/o Vodarevu Village,
Chirala Mandal, Prakasam District.
Mr. K.S. Chandramowleeswara Rao,
Ms. K. Geetha Madhavai,
Mr. K. Hari Sankara Prasad,

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Mr. K. H. V. Siva Kumar, advocates,
Kotamraju Law Associates,
Gurukrupa Sadan, D.No. 87-142/1, Sambasiva Ngar,
Opp: 4th Lane Kodandaramaiah Nagar Lalpuram Road,
Chuttugunta, Guntur- 522 004.

Copy to:

The Director, TCR & TI, AP, Vijayawada.
The OSD to Hon'ble Deputy Chief Minister for Tribal Welfare.
The PS to Principal Secretary(TW).

// FORWARDED:: BY ORDER //

SECTIONOFFICER